

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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EDWIN GUERRIER,

Petitioner,

22 CIVIL 4124

-against-

**JUDGMENT**

UNITED STATES OF AMERICA,

Respondent.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Order dated October 31, 2022, the Court has adopted the Report and Recommendation, and, for the reasons therein, the petition is dismissed with prejudice. In addition, because petitioner has not made a substantial showing of the denial of a constitutional right, a certificate of appealability will not issue. See 28 U.S.C. § 2253. Moreover, the Court certifies that any appeal from the Order would not be taken in good faith, as petitioner's claim lacks any arguable basis in law or fact, and therefore permission to proceed in forma pauperis is also denied. See 28 U.S.C. § 1915 (a) (3); *Neitzke v. Williams*, 490 U.S. 319, 325 (1989); *Vann v. Comm'r of N.Y.C. Dep't of Corr.*, 496 F. App'x 113, 114 (2d Cir. 2012) (summary order).

**Dated:** New York, New York  
November 1, 2022

**RUBY J. KRAJICK**

BY: Clerk of Court  
*K. mango*  
Deputy Clerk